

VOSH PROGRAM DIRECTIVE: 12-429

ISSUED: 15 February 2018

Subject Air Contaminants in Public Sector Shipyard Employment, §1915.1000

Purpose **CHANGE III:** This change transmits to field personnel corrections for typographical errors in the Air Contaminants Standard in Shipyard Employment, Public Sector Only, which appeared in the Final Rule for the Occupational Exposure to Beryllium (82 FR 2470) on January 9, 2017. **CHANGE II:** This change transmits to field personnel corrections for typographical errors in the Air Contaminants Standard in Public Sector Shipyard Employment, which appeared in the Final Rule for the Occupational Exposure to Respirable Crystalline Silica (81 FR 16285) on March 25, 2016. **CHANGE I:** This directive transmits amendments to the Air Contaminants Standard in Public Sector Shipyard Employment, which resulted from the adoption of the Final Rule on the Occupational Exposure to Respirable Crystalline Silica, published on March 25, 2016 (81 FR 16285).

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

Scope This Directive applies VOSH-wide. **NOTE:** Federal OSHA has jurisdiction over the private sector maritime industry and VOSH has jurisdiction over the public sector maritime industry.

Reference **CHANGE III:** 82 FR 2470 (09 January 2017); **CHANGE II:** 81 FR 69272 (01 September 2017); **CHANGE I:** 81 FR 16285 (25 March 2016)

Cancellation Not Applicable

Effective Date **CHANGE III:** 15 May 2017;
CHANGE II: 15 January 2018; and
CHANGE I: 01 December 2016

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry Cooperative Programs Manager
Assistant Commissioner-Programs VOSH Compliance & Cooperative Programs Staffs
VOSH Directors and Managers OSHA Region III & OSHA Norfolk Area Offices
VOSH DLS and OIS Staffs

Expiration Date Not Applicable

Action Directors and Managers shall ensure that field personnel understand and enforce the requirements in this Directive and that they are uniformly administered.

I. Background

CHANGE III: On January 9, 2017, federal OSHA published its new Final Rule for the Occupational Exposure to Beryllium (82 FR 2470). This change also impacted §1915.1000, Air Contaminants for Shipyard Employment, Public Sector Only.

On February 16, 2017, the Safety and Health Codes Board adopted these revisions for Virginia's Public Sector maritime activity only, with an effective date of May 15, 2017.

CHANGE II: The Final Rule for the Occupational Exposure to Respirable Crystalline Silica (81 FR 16285), published on March 25, 2016, contained a typographical error that this change corrects.

On February 16, 2017, the Safety and Health Codes Board adopted the correction for Virginia's Public Sector maritime activity only, with an effective date of May 15, 2017.

CHANGE I: On March 25, 2016, federal OSHA published its new Final Rule for the Occupational Exposure to Respirable Crystalline Silica (81 FR 16285). This change also impacted §1915.1000, Air Contaminants for Public Sector Shipyard Employment.

On September 13, 2016, the Safety and Health Codes Board adopted these revisions for Public Sector only, with an effective date of December 1, 2016.

II. Summary

CHANGE III: In §1915.1000, Air Contaminants for Shipyard Employment, Public Sector Only, the entry for "Beryllium and beryllium compounds (as Be)" in Table Z-Shipyards, was revised. Footnote q was added to state that "This standard applies to any operations or sectors for which the beryllium standard, §1915.1024, is stayed or otherwise is not in effect."

CHANGE II: When federal OSHA published its Final Rule for the Occupational Exposure to Respirable Crystalline Silica on March 25, 2016 (81 FR 69272), the final rule contained typographical errors in the formulas for the permissible exposure limits (PELs) in the pre-2016 final rule.

For example, in General Industry, §1910.1000, Air Contaminants, Table Z-3, Mineral Dusts; in Shipyards-§1915, Air Contaminants, Table Z- Shipyards, Mineral Dusts table; and in Construction - Appendix A of §1926.55, Gases, Vapors, Fumes, Dusts, and Mists, Mineral Dusts table, the division symbol was omitted from the formulas, and the entries for "Silica: Crystalline Quartz" in the headings of the above-mentioned tables were revised. Also, it should be noted that:

- The final rule for Respirable Crystalline Silica retained the pre-2016 PELs for respirable crystalline silica in §1915.1000, Table Z, and added a footnote q to clarify that these PELs apply to any sectors or operations where the new PEL of 50 µg/m³ is not in effect.
- The pre-2016 PELs apply to operations that are not covered by the new standards, such as the processing of sorptive clays.

- The pre-2016 PELs are also applicable during the time between publication of the silica rule and the dates established for compliance with the rule, as well as in the event of regulatory delay, a stay, or partial or full invalidation by the Court.

CHANGE I: Paragraph (e) of §1910.1000, Air Contaminants, was revised with the publication of the final rule for the Occupational Exposure to Respirable Crystalline Silica (81 FR 16285) on March 25, 2016. This change also revised entries for crystalline silica in §1915.1000, Table Z, to cross-reference the new Respirable Crystalline Silica Standard, §1910.1053. Footnotes were added in § 1915.1000 to make it clear that preceding PELs apply to any sectors or operations where the new PEL of 50 µg/m³ is not in effect. The preceding PELs for respirable crystalline silica were retained in Table Z of §1915.1000 and are also applicable during the time between publication of the silica rule and the dates established for compliance with the rule, as well as in the event of regulatory delay, a stay, or partial or full invalidation by the Court.

Air Contaminants in Shipyard Employment, Public Sector Only, §1915.1000

As Adopted by the
Safety and Health Codes Board

Date: 16 February 2017



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 May 2017

16VAC25-100-1915.1000, Air Contaminants, §1915.1000

When the regulations, as set forth in federal OSHA's Amendments to the Air Contaminants Standard in Shipyard Employment, Public Sector Only, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

March 10, 2017

May 15, 2017

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

"Beryllium and beryllium compounds (as Be)" and adding footnote q.

The revisions read as follows:

* * * * *

§ 1915.1000 Air contaminants.

* * * * *

■ 5. In § 1915.1000 amend Table Z—Shipyards, by revising the entry for

TABLE Z—SHIPYARDS

Substance	CAS No. ^d	ppm ^a	mg/m ³ ^b	Skin designation
Beryllium and beryllium compounds (as Be); see 1915.1024 (q)	7440-41-7	0.002

^a The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.

^b Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

^c Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

^d The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound, measured as the metal, the CAS number for the metal is given—not CAS numbers for the individual compounds.

^q This standard applies to any operations or sectors for which the beryllium standard, 1915.1024, is stayed or otherwise is not in effect.

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Air Contaminants in Shipyard Employment, Public Sector Only, §1915.1000

As Adopted by the
Safety and Health Codes Board

Date: 16 February 2017



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 15 May 2017

16VAC25-100-1915.1000, Air Contaminants in Shipyard Employment

When the regulations, as set forth in the Amendments to the standard for Air Contaminants in Shipyard Employment, Public Sector Only, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

September 1, 2016

May 15, 2017

PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT

- 4. In § 1915.1000, amend Table Z by:
 - a. Revising the entries for “Silica, crystalline, respirable dust, cristobalite”, “Silica, crystalline, respirable dust, quartz”, “Silica, crystalline, respirable dust, tripoli (as quartz)”, and “Silica, crystalline, respirable dust, tridymite”; and
 - b. Under the “MINERAL DUSTS” heading of the table, revising the entry for “Silica: Crystalline Quartz”.

The revisions read as follows:

§ 1915.1000 Air contaminants.

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TABLE Z—SHIPYARDS

Substance	CAS No. ^d	ppm ^a	mg/ m ³ ^b	Skin designation
* * * * *				
Silica, crystalline, respirable dust				
Cristobalite; see 1915.1053	14464-46-1			
Quartz; see 1915.1053 ⁵	14808-60-7			
Tripoli (as quartz); see 1915.1053 ⁵	1317-95-9			
Tridymite; see 1915.1053	15468-32-3			
* * * * *				

MINERAL DUSTS

Substance	mppcf ^(f)
SILICA:	
Crystalline	250 ^(k)
Quartz. Threshold Limit calculated from the formula ^(p)	% SiO ₂ + 5
* * * * *	

measured as the metal, the CAS number for the metal is given—not CAS numbers for the individual compounds.

* * * * *

^p This standard applies to any operations or sectors for which the respirable crystalline silica standard, 1915.1053, is stayed or otherwise is not in effect.

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⁵ See Mineral Dusts table for the exposure limit for any operations or sectors where the exposure limit in § 1915.1053 is stayed or is otherwise not in effect.

* The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.

^a Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.

^b Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.

* * * * *

^d The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound,

Air Contaminants in Shipyard Employment, Public Sector Only, §1915.1000

As Adopted by the
Safety and Health Codes Board

Date: 13 September 2016



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: 01 December 2016

16VAC25-100-1915.1000, Air Contaminants in Shipyard Employment

When the regulations, as set forth in the Amendments to the standard for Air Contaminants Standard in Shipyard Employment, Public Sector Only, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

29 CFR

Assistant Secretary

Agency

CHANGE I:

*June 23, 2016, except as provided for
in paragraph (l) of §1910.1053
for general industry and maritime; and
§1926.1153 (k) for construction*

VOSH Equivalent

VOSH Standard

Commissioner of Labor and Industry

Department

CHANGE I:

*December 1, 2016, except as provided for
in paragraph (l) of §1910.1053
for general industry and maritime; and
§1926.1153 (k) for construction*

dust”, “Silica, crystalline tripoli (as quartz), respirable dust”, and “Silica, crystalline tridymite, respirable dust”;

- b. Under the “MINERAL DUSTS” heading of the table, revising the entry for “Silica: Crystalline Quartz”;
- c. Adding footnote 5; and
- d. Add footnote p.

The revisions and additions should read as follows:

§ 1915.1000 Air contaminants.
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TABLE Z—SHIPYARDS

Substance	CAS No. ^d	ppm ^a *	mg/m ³ ^b *	Skin designation
* * * * *				
Silica, crystalline, respirable dust				
Cristobalite; see 1915.1053	14464-46-1			
Quartz; see 1915.1053 ⁵	14808-60-7			
Tripoli (as quartz); see 1915.1053 ⁵	1317-95-9			
Trydimite; see 1915.1053	15468-32-3			
* * * * *				

MINERAL DUSTS

Substance	mppcf ⁽ⁱ⁾
SILICA:	
Crystalline	250 ^(k)
Quartz. Threshold Limit calculated from the formula ^(p)	% SiO ₂ +5
* * * * *	

⁵ See Mineral Dusts table for the exposure limit for any operations or sectors where the exposure limit in § 1915.1053 is stayed or is otherwise not in effect.
^a The PELs are 8-hour TWAs unless otherwise noted; a (C) designation denotes a ceiling limit. They are to be determined from breathing-zone air samples.
^b Parts of vapor or gas per million parts of contaminated air by volume at 25 °C and 760 torr.
^c Milligrams of substance per cubic meter of air. When entry is in this column only, the value is exact; when listed with a ppm entry, it is approximate.
^d This standard applies to any operations or sectors for which the respirable crystalline silica standard, 1915.1053, is stayed or otherwise is not in effect.